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LOCATI, PHIL LOCATI.

8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 RICKY MARTINEZ, JOSH LECLAIR,
13 NORBERTO SUAREZ, TYLER FOX,
14 AND JARED HUTMAN, individually, on
behalf of all others similarly situated, and
on behalf of the general public,

15 Plaintiffs,

16 v.

17 INCOM MECHANICAL, INC., JOE
18 LOCATI, JEFFREY LOCATI, PHIL
LOCATI, and DOES 1 through 50,
19 inclusive,

20 Defendants.

Case No. 3:11-CV-01392-SI

**STIPULATION AND [PROPOSED]
ORDER EXTENDING DATES OF CASE
MANAGEMENT CONFERENCE, RULE
26(f) REPORT AND INITIAL
DISCLOSURES**

Complaint Filed: February 22, 2011

Action Removed: March 23, 2011

21
22 WHEREAS, this is a putative wage hour class and collective action alleging that
23 Defendants violated the Fair Labor Standards Act, 29 U.S.C., Section 200 et seq., by failing to pay
24 Plaintiffs overtime, with related state law claims for alleged overtime, travel time pay, failure to
25 provide meal and/or rest breaks, failure to pay prevailing wages on state public works jobs, and other
26 wage/hour claims; and

1 WHEREAS, Defendant Incom Mechanical, Inc. is a small plumbing contractor
2 located in Petaluma, California; and

3 WHEREAS, the parties have scheduled a mediation with attorney Mark Rudy for
4 July 5, 2011; and

5
6 WHEREAS, Defendant has provided Plaintiff with relevant payroll records for all
7 putative class members, timesheets for the Plaintiffs, GPS records, and documents concerning its
8 financial condition; and

9 WHEREAS, the parties will continue to exchange relevant documents which will
10 enable Plaintiffs' counsel to prepare for the July 5 mediation, and to assess the potential settlement
11 value of the case; and

12
13 WHEREAS, the parties wish to conserve their resources, and those of the Court, in
14 the hopes that the parties will be able to reach settlement at the mediation on July 5, or thereafter;
15 and

16 WHEREAS, the parties' Rule 26(f) report and Rule 26(a) initial disclosures are
17 currently due July 28, 2011.

18
19 THEREFORE, the parties respectfully request that the Case Management Conference
20 currently scheduled for August 5, 2011 at 2:30 p.m. before the Hon. Susan Illston be continued
21 approximately 45 days to allow the parties to focus on attempting to settle the case, and to allow
22 sufficient time to prepare the proposed class settlement papers, if a settlement is reached, with the
23 dates for the parties' Rule 26(f) report and Rule 26(a) initial disclosures also continued for
24 approximately 45 days.

1 IT IS SO STIPULATED.

2 Dated: May, 16, 2011

/s/ Robert L. Zaletel
ROBERT L. ZALETEL
LITTLER MENDELSON
A Professional Corporation
Attorneys for Defendant
INCOM MECHANICAL, INC.,
JOE LOCATI, JEFFREY LOCATI, PHIL
LOCATI

6 Dated: May 16, 2011

/s/ Bryan Schwartz
BRYAN SCHWARTZ
BRYAN SCHWARTZ LAW
Attorney for Plaintiffs
RICKY MARTINEZ, ET AL.

ORDER

For good cause appearing, the Case Management Conference in this case is hereby continued to September 16, 2011 at 2:30 p.m., Courtroom 10, Hon. Susan Illston. The parties' last date to file their Rule 26(f) report, complete Rule 26(a) initial disclosures, and file their Joint Case Management Conference Statement shall be one week before the Case Management Conference, or September 9, 2011.

IT IS SO ORDERED.

Dated: 5/17/11



U.S. DISTRICT COURT JUDGE